

# Notice of Allowability

Application No.

09/661,463

Examiner

James S McClellan

Applicant(s)

PRIEST

Art Unit

3627

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment on 4/16/04.
2. ☒ The allowed claim(s) is/are 16,18-32,35-37 and 39-51.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☒ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 6/10/04.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond Armentrout on 6/9/04.

The application has been amended as follows:

in **claim 16**, line 3, --operating auctions simultaneously-- has been inserted between "entities" and "that";

in **claim 28**, line 4, --simultaneously-- has been inserted between "item" (second occurrence) and "open" (second occurrence);

in **claim 36**, line 4, --simultaneously-- has been inserted between "service" (second occurrence) and "up" (second occurrence); and

in **claim 50**, line 4, --simultaneously-- has been inserted between "service" (second occurrence) and "up" (second occurrence).

### REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

Applicant's independent claims 16, 28, 36, and 50 require selecting a plurality of simultaneous auctions that include similar items, monitoring active bids on said auctions, determining a bid to outbid the active bids on each auction, selecting the lowest bid from the

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determined bids, and wherein further selecting the lowest bid with an earliest auction finish time for equal bids. The prior art is replete with references that disclose a “bidding elf” programmed to automatically bid on a single auction item. For example, Mori et al. discloses an automatic auction method but fails to disclose selecting a plurality of simultaneous auctions. Additionally, Peckover disclose purchasing agents, but fails to disclose an auction. Finally, Huberman discloses an intelligent agent that can be instructed to roam a network in search of good deals on auction and make bids as preauthorized by the user. Huberman fails to disclose monitoring multiple auctions operating simultaneously. No single reference or combination of references anticipate or make obvious Applicant’s claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### **DRAWINGS**

3. It is noted that Figure 10, includes a typographical error (“resistors” should replace “registers”). Applicant noted during a phone conversation on June 9, 2004 that a replacement drawing for Figure 10 will be submitted after the notice of allowability.

### **NOTICE OF REFERENCES CITED**

4. It is noted that the Notice of References Cited (PTO-892) submitted by the Examiner on 8/4/03 is not complete (the reference numbers are listed but the inventor name, date, and

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classification are missing). Therefore, the Examiner resubmitted the references from the 8/4/03 in their entirety (Reference number, date, inventor name, and classification).

### CONCLUSION

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

European Patent Publication (EP 0 987 644 A2) is cited of interest for disclosing a system for conducting an electronic auction over an open communications network.

A publication concerning iTrack's Tommy Tracker is cited of interest for disclosing a service to help online auction users tailor their searches across multiple auction sites.

A publication concerning Bidder's Edge is cited of interest for disclosing a system that allows users to track items of interest listed on various auction sites.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

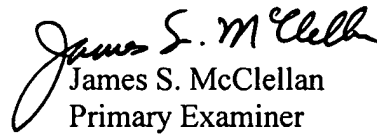
Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

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(703) 872-9306 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Primary Examiner  
A.U. 3627

jsm  
June 10, 2004